



PATENT DIVISION

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Patents, Trademarks,
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Related Litigation

January 28, 2005

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Petition for Refund
U.S. Patent Application Serial No.: 09/660,519

Larry L. Coats
David E. Bennett
John R. Owen
David D. Kalish
Anthony J. Biller
Michael D. Murphy
Edward H. Green III
Andrew R. Aranda
Rebecca E. Crandall

Stephen A. Herrera*
Jennifer K. Stewart*

*registered patent agent

Dear Sir:

We hereby request that \$330.00, the difference between a one and two month extension of time, be refunded to our Deposit Account No. 18-1167.

The final Office Action in the above-identified application was mailed from the Office on 13 August 2004. Applicant responded to such action on 17 September 2004, which was within two (2) months of the date of the Final Office Action. An Advisory Action was mailed from the Office on 18 November 2004, which is after the 3-month shortened statutory period. Because a response to the Final Action was mailed within two months of the Final Action, but the Advisory Action was not mailed until after the 3-month period, MPEP §710.02(e) mandates that any time extension should be calculated from 18 November 2004.

On 17 December 2004, Applicant filed a Notice of Appeal with a suitable certificate of mailing under 37 C.F.R. §1.8. On 27 January 2005, our Deposit Account No. 18-1167 was drafted for \$450.00, the amount due for a *two-month extension of time*. Because the Notice of Appeal should be treated as being timely filed on 17 December 2004, in response to an Advisory Action from the Office that was dated 18 November 2004, such Notice of Appeal should have been considered filed within the *one-month extension* period ending 20 December 2004 (the Monday following Saturday 18 December 2004). Therefore, Applicant respectfully requests that the difference between a one and two month extension, in the amount of \$330.00, be refunded to our Deposit Account No. 18-1167.

Sincerely,

John R. Owen

JRO/law
P-4015-785



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bloebaum et al.

Serial No.: 09/660,519

Filing Date: September 12, 2000

Docket No.: 4015-785

Title: Position Detection System Integrated
Into Mobile Terminal

Examiner: Mr. Khawar Iqbal

Group Art Unit: 2686

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 21, 2005.


John R. Owen

APPEAL BRIEF

This Appeal Brief is being submitted not more than two months after the Notice of Appeal was received by the Office (December 22, 2004). As such, no extension of time fees should be due. A check for \$500.00 for the Appeal Brief Submission is enclosed. If any additional fees are due, and/or an extension time is required, the Office may consider this a petition therefore and charge any additional fees required to Deposit Account 18-1167.

03/15/2005 SDIRETA1 00000003 181167 09660519

01 FC:1251

120.00 DA

Adjustment date: 03/15/2005 SDIRETA1
01/27/2005 LBADIE 00000008 181167 09660519
01 FC:1252 450.00 CR

03/15/2005 SDIRETA1 00000003 181167 09660519

01 FC:1251 120.00 DA